

REMARKS

Claims 1-20 have been examined. Claims 1-11 and 13-19 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 12 and 20 are allowed.

I. Rejection under 35 U.S.C. § 103(a) as being unpatentable over EP 0827838 to Kitahara et al. (“Kitahara”) in view of U.S. Patent No. 5,363,134 to Barbehenn et al. (“Barbehenn”) and JP 11058704 to Takahiro et al. (“Takahiro”).

Claims 1-10 and 13-19 have been rejected under 35 U.S.C. § 103(a) as being obvious over Kitahara in view of Barbehenn and Takahiro (which was cited in the January 2, 2004, Information Disclosure Statement).

A. Claim 1

Applicant submits that claim 1 is patentable over the combination of the cited references. For example, claim 1 recites that at least one drive signal is selected from a plurality of drive signals, based on the associated correction data.

On pg. 5 of the Office Action, the Examiner contends that Kitahara discloses a feature which is similar to the above feature (i.e. the recitation in claim 3 that that M drive signals are selected from the N drive signals, based on associated correction data). In particular, the Examiner maintains that Fig. 9 of Kitahara discloses a plurality of drive signals, i.e. the four pulses, and selects at least one drive signal, i.e. one or at least two of the pulses, to adjust a displacement behavior of a piezoelectric vibrator. However, as stated above, the claimed at least

one drive signal is selected from the plurality of drive signals based on associated correction data. Kitahara fails to disclose that the pulses are selected based on correction data. Further, on pg. 3 of the Office Action, the Examiner acknowledges that Kitahara fails to disclose the claimed correction data. Therefore, any pulses selected from among the four pulses depicted in Fig. 9 of Kitahara, are not based on any type of associated correction data.

On the other hand, the Examiner maintains that Takahiro discloses the claimed correction data. However, even by assuming *arguendo* that Takahiro discloses the claimed correction data, the reference fails to disclose that at least one drive signal is selected from among a plurality of drive signals, based on the alleged correction data. Accordingly, since Takahiro fails to cure the deficient teachings of Kitahara and Barbehenn, Applicant submits that claim 1 is patentable over the cited references.

B. Claims 2, 13 and 16

Since claims 2, 13 and 16 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 3

Since claim 3 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 3 is patentable for at least analogous reasons as presented above.

D. Claims 4, 5, 14 and 17

Since claims 4, 5, 14 and 17 are dependent upon claim 3, Applicant submits that such claims are patentable at least by virtue of their dependency.

E. Claims 6 and 8

Since claims 6 and 8 contain features which are analogous to the features recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as presented above.

F. Claims 7, 9, 10, 11, 15, 18 and 19

Since claims 7, 9, 10, 11, 15, 18 and 19 are dependent upon claim 6 or claim 8, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Rejection under 35 U.S.C. § 103(a) over Kitahara in view of Barbehenn and Takahiro as applied to claim 8 and further in view of U.S. Patent No. 4,421,786 to Bain (“Bain”).

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitahara in view of Barbehenn and Takahiro and Bain. However, since claim 11 is dependent upon claim 8, and Bain does not cure the deficient teachings of Kitahara, Barbehenn and Takahiro, with

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respect to claim 8, Applicant submits that such claim is patentable at least by virtue of its dependency.

III. Allowable Subject Matter

As noted above, the Examiner has indicated that claims 12 and 20 are allowed.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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